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# INTERIM

A REPORT OF INTERIM ACTIVITY . . . MONTANA LEGISLATIVE COUNCIL . . . HELENA

DECEMBER 1978

Montana State Library



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LEGISLATIVE COUNCIL

## LAST ISSUE

This is the last issue of the "Interim" until next May. As was stated when the newsletter was started last year, its purpose is to keep legislators informed of interim activities. From responses we have received, we believe the effort has been successful.

## EARLY REQUESTS ENCOURAGED

We encourage old and new legislators alike to stop by the legislative staff offices whenever you are in Helena. Bill drafting and information requests submitted early are more easily filled on a timely basis. Requests may be made by mail or telephone. Call 445-3064 and ask for Dave Cooley.

## RULES COMMITTEE MEETS

The Joint rules committee met with newly elected leadership following the Caucuses on November 18. The committee recommended adoption of a number of recommendations to facilitate operation of the session:

(1) The rules should be suspended on the first day of the session to allow for immediate approval of the new code.

(2) The second day of the session should be reserved for orientation of new legislators and interns.

(3) The legislature should adopt a rule providing that a legislative intent statement be attached to a bill on a separate sheet of paper. This rule would implement the Legislative History Act passed in 1977. (Ch. 560, L. 1977; 43-519 -- 43-522 R.C.M. 1947; Title 2, chapter 4, part 4, MCA)

(4) The rules should be changed to provide for bills to be prepared in triplicate rather than quadruplicate.

(5) The price of legislative proceedings should be increased by the same percentage as the increase of paper prices.

(6) The block system for committee meetings

recommended by the committee on legislative improvement should be adopted. The leadership of the two houses should work together to adjust committees to a block system.

MONTANA  
CODE  
ANNOTATED

The new Montana code is available at the legislative council offices. Each legislator is entitled to a set free of charge. Because postage costs are extremely high, the code will be mailed only to those legislators so requesting. The remaining sets for legislators will be distributed upon request during the legislative session. Please call Helena collect 449-3064 and ask for Carmella if you want your set mailed to you prior to the session.

The code will be sold to state and local governmental agencies for \$100 and to the public for \$120. This price includes the 1979 Interim Supplement to the code.

COMMITTEE  
CHAIRMEN

Senator Jack Galt announced the appointment of the following committee chairmen in the Senate:

Agriculture, Livestock, and Irrigation -- Jack Galt  
Bills and Journals -- Harold Dover  
Business and Industry -- Frank Hazelbaker  
Committee on Committees -- Jack Galt  
Education -- Bob Brown  
Finance and Claims -- Matt Himsel  
Fish and Game -- Ed Smith  
Highways and Transportation -- Mark Fitchart  
Judiciary -- Everett Lensink  
Labor and Employment Relations -- Bill Lowe  
Legislative Administration -- Allen Kolstad  
Local Government -- George McCallum  
Natural Resources -- George Roskie  
Public Health, Welfare, and Safety -- S.A. Olson  
Rules -- Stan Stephens  
State Administration -- Pete Story  
Taxation -- Jean Turnage

House committee chairmen were to be announced Monday, December 4, too late for inclusion here.

LIBRARY  
SERVICES  
AVAILABLE

The Legislative Council maintains a library ~~year-round~~ as an ongoing service to legislators and legislative staff. The library, located in Room 101, State Capitol, has a special collection of currently useful materials designed to meet the information needs of legislators and legislative staff members.

Services provided by our librarian include:

1. Providing all types of library materials on loan;

2. Providing a ready-reference and spot research service;
3. Doing subject searches;
4. Preparing bibliographies;
5. Assembling library materials related to a specific subject;
6. Providing notification to interested persons when new materials in a certain field are published; and
7. Providing information on legislative reference services offered through the state library, other state agency libraries, and the libraries that exist in organizations like the Council of State Governments.

The library service will provide another useful tool to help you obtain the information you need. When you have an information problem, let us know and our research staff and librarian will do all we can to assist you.

#### INTERIM COMMITTEES

##### REPORTS TO BE AVAILABLE

All legislators should have received a checklist of interim committee reports that will be available. Be sure to contact the Legislative Council for any reports you wish to receive. The reports will be sent as soon as they are available after printing and will be available at the Legislative Orientation Session on January 4.

##### HUMAN SERVICES

The Interim Committee on Human Services met on November 17 to consider a bill to transfer control of alcohol and drug abuse and mental health services to the county government level. After careful consideration the committee moved that the bill be tabled.

#### REVENUE OVERSIGHT COMMITTEE

##### MEETING HELD

The Revenue Oversight Committee met Saturday, November 11, 1977, to conclude its studies. Members approved the following bills:

- (1) a bill to simplify and streamline the existing property tax classification system by:
  - (a) reducing the number of classes from 29 to 19;
  - (b) grouping similar property in the same class; and
  - (c) establishing tax rates based on whole numbers rather than fractions;
- (2) a bill creating a fee in lieu of property tax for automobiles, light trucks, motor homes, travel trailers, campers,

- motorcycles, and snowmobiles;
- (3) a bill providing for a new method of taxing financial institutions by:
- (a) repealing the property tax on moneyed capital and shares of banks;
  - (b) repealing the corporation license tax deduction for interest on federal and state obligations; and
  - (c) providing that corporation license taxes collected from banks and savings and loan associations will be distributed to the taxing jurisdictions in which they are located.

The Committee also discussed proposals dealing with severed mineral interest trusts and continued sale of wine in liquor stores.

The Committee will meet again during the first week of the legislative session to finalize details of its bills and reports.

#### COAL TAX OVERSIGHT COMMITTEE

MEETING  
JANUARY 5

The Coal tax oversight Committee will meet Friday, January 5, to discuss several programs funded by the coal severance tax.

#### ADMINISTRATIVE CODE COMMITTEE

MEETING  
NOVEMBER 18

The Administrative Code Committee met November 18 and received suggestions for further revisions to the Montana Administrative Procedure Act. The Committee adopted some of the suggestions with modifications and will recommend the following WAPA revisions to the 1979 Legislature:

- (1) A bill to restrict the practice of adopting rules by means of incorporating federal rules by reference [LC 0423].
- (2) A bill to lengthen notice requirements for the adoption, amendment, or repeal of a rule [LC 0424].
- (3) A bill to require retotyping of a rule when, in response to comments received, an agency so amends a rule as to affect persons unaffected under the rule as previously noticed or to put the rule outside the purpose and scope of the rule as previously noticed [LC 0424].
- (4) A bill to require an agency to prepare and publish an estimate of economic impact of a proposed rule upon request of three members of the Administrative Code Committee.

In other action, the Committee decided to lodge

major objections to the following rules:

- (1) Board of Nursing [MAR 40-3-62-d] regulating strike activities of nursing school faculty and nurses.
- (2) Superintendent of Public Instruction (SPI) [MAR 40-2-11] making the decision of a hearing officer on appeal from a county superintendent in a special education controversy final unless appealed to district court, with no provision for approval authority in SPI.

The Committee also adopted its biennial report to the legislature and bid farewell to staff attorney John Hollow after commending him for an excellent job. John is traveling to Reno, Nevada, American Samoa, to do recodification work. The committee welcomed Bob Pyrer as new staff attorney for the committee.

### LEGISLATIVE AUDIT COMMITTEE

MEETING	The Legislative Audit Committee will meet on December 4, 1978.
REPORTS TO BE ISSUED	The committee will receive the following financial/compliance audit reports prepared by contract audit firms: Board of Investments, Department of Health and Environmental Sciences, Montana Historical Society, Department of Institutions, Office of the State Auditor, Office of the Superintendent of Public Instruction, Western Montana College and Division of Workers' Compensation.
OIL AND GAS	A survey of time lapse between completion dates and on-production dates for gas wells drilled in Montana during 1975 will be presented to the Committee.
SUNSET	The Committee will make recommendations relating to the Board of Institutions, Board of Professional Engineers and Land Surveyors, Board of Real Estate and Board of Warm Air Heating, Ventilation and Air Conditioning.
REPORTS AVAILABLE	From the CLA, Room 135, Capital Building. Telephone 449-3122.

### LEGISLATIVE CONSUMER COMMITTEE

MEETING HELD NOVEMBER 10	The Legislative Consumer Committee met on November 10, 1978 to discuss present and future financing of the agency, status of litigation relating thereto, participation in cases of regulatory concern, the implications of the Milwaukee Railroad bankruptcy proceedings, possible remedial legislation with
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respect to substantive regulatory law which committee members might choose to sponsor, and the implications of the National Energy Act now signed into law.

The Consumer Counsel was authorized to hire a consultant to participate in a Mountain Bell cost of service study for the purposes of fixing rates on certain services. The study had been ordered by the Public Service Commission in a recent case involving a Mountain Bell application for general authority to increase rates.

The Committee ratified the Consumer Counsel's participation in oral argument in the Federal Circuit Court of Appeals in San Francisco in a case involving all Montana railroads and concerning the propriety of the intrastate railroad rate-fixing scheme for the entire contiguous United States.

Whereas the Consumer Counsel had suggested 19 possible bills that might be the subject of remedial legislation under the Consumer Counsel Act, the committee instructed him to prepare four proposed bills for closer scrutiny. In view of the uncertainty whether the PSC would adopt procedural rules prior to the legislative session relating to applications by utilities for temporary rate increases, proposed bills on this subject were left open for possible future consideration.

The Consumer Counsel was instructed to draft a bill appropriating sums to the committee from the Consumer Counsel's earmarked revenue fund for the purpose of participating in ICC, federal bankruptcy and federal court cases in an effort to preserve the competitive viability of the Milwaukee Railroad.

A number of proposed appropriation bills providing different methods of funding the Consumer Counsel earmarked revenue fund will be prepared.

The committee plans to meet in the State Capitol on Saturday, December 2, 1978 to consider, among other things, remedial legislation, appropriation legislation, the implications of the National Energy Act, the Milwaukee Railroad developments, and the status of recent rate cases including ones involving Mountain Bell, MDU, PP&L, Montana Power and Billings water.





